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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,747	12/06/2001	Takeshi Ryuutou	1503-6601	6028
7590	01/26/2005			EXAMINER
Patrick G. Burns, Esq. GREER, BURNS, & CRAIN, LTD. Suite 2500 300 South Wacker Dr. Chicago, IL 60606			LIM, KRISNA	
			ART UNIT	PAPER NUMBER
			2153	
			DATE MAILED: 01/26/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/008,747	RYUUTOU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Krisna Lim	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. ____ .   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: ____ .                                   |

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1. Claims 1-12 are presented for examination.
2. The title of the invention is neither descriptive nor precise. A new title is required which should include, using twenty words or fewer, claimed features that differentiate the invention from the Prior Art. The title should reflect the gist of or the improvement of the present invention.
3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. For example, on page 2, lines 17-20, there is a typographical or grammatical error for this sentence "Even if a program executed by a client and that executed by a remote server are written in different languages, the client can communicate with the remote server". Moreover, throughout the specification the writing style is kind of strange. Thus, applicant's cooperation is requested in correcting any errors, any grammatical error of which applicant may become aware in the specification.
4. Claims 1-12 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the preamble is confused and it is difficult to understand. And, it sound strange. It is unclear what the applicants mean by "an identifier written in the communication connection request". The comma at the last 2 line should be removed. And, claims 2, 5, 6, 9 and 10 contain similar problem.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-12 are rejected under 35 U.S.C. 102(a) as being anticipated by Colyer [U.S. Patent No. 6,023,722].

7. Colyer anticipates (e.g., see Figs. 1-3) the invention substantially as claimed.

Taking claims 1, 2, 5, 6, 9 and 10 as exemplary claims, the reference anticipates a communication distribution controlling method (e.g., see col. 6, lines 26-67), comprising:

a) receiving a communication connection request from a client (e.g., see step 301 of Fig. 3, col. 6, lines 26-28);  
b) determining whether or not a communication connection corresponding to the series of communications is established according to an identifier written in the communication request (URL's specifying server, col. 6, line 26); and  
c) connecting the requested communication to a particular relay device as a relay destination (Messaging and queuing unit 31 then sends (step 304) a queue client request to a server unit, col. 6, lines 36-38) of an established communication connection if the communication connection is established.

8. As to claims 3, 7 and 11, Colyer anticipates the step of notifying the client side of an identifier corresponding to the established connection as an identifier to be written in connection requests of communication subsequent to the initial communication (e.g., see col. 6, lines 45-53).

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9. As to claims 4, 8 and 12, Colyer anticipates the step of monitoring an elapse time and invalidating the communication connection then the elapsed time exceeds a predetermined value (e.g., check the threshold number of the messaging and queuing unit 31 to decide what to do with the client request and how to employ those servers, see col. 7, lines 19-34).

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Wednesday and Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

January 24, 2005



KRISNA LIM  
PRIMARY EXAMINER